Customer No. 24498   PATENT
Attorney Docket No. PU030342
Office Action Date: 1/6/2010

REMARKS

Claims 1–13 are currently pending.   Claims 10-13 have been allowed.
Reconsideration of the claim rejections is requested in view of the following remarks.

Claims 1, 4–6, 8, and 9 stand rejected under 35 U.S.C. § 103(a) as being
unpatentable over Freeman (US 2005/0123142) in view of March (US 2003/0028734).
Applicants respectfully submit that for at least the reasons discussed below the subject
claims are patentably distinguishable over the suggested combination.

As previously noted, Freeman represents an attempt to solve a fundamentally
different problem from that of the present invention. The present invention is directed to
preventing the unauthorized transfer of information from one device to another. It
addresses the problem by providing for a transfer using an access card that is paired
with the destination device. This "pairing" refers to a one-to-one correspondence that is
established between the access card and the destination device, wherein the access
card can only be used with the paired destination device to decrypt the desired
encrypted information. The pairing is established with the write once memory of the
access card (see, for example, paragraphs 13 and 19 of the specification).

Freeman, on the other hand, is directed to a technique for securely changing
encryption keys.   Although both use encryption, Freeman's technique has little
applicability to the conditional access systems described in the present specification.
Because Freeman is a solution to a different problem than that posed by the present
invention, it teaches a substantially different technique. This is evident from the fact that
it lacks several elements recited in the present claims.

In this regard, the Office Action acknowledges that Freeman fails to disclose that
the access card has a write once memory and has been paired with a destination

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device. March is cited to overcome this acknowledged defect of Freeman. However, applicants submit that March also fails to disclose or suggest this feature.

March relates to a system wherein a file system can dynamically respond to variability of memory cells in write-once memory devices (see abstract, paragraph 0004). March seeks to address the problem that while there are file systems designed for use with write-once memory devices, these file systems may not be suitable for certain applications (see paragraph 0003).

Although March discloses the use of write-once memory devices and describes the operation of the write-once memory devices with particular file systems, nowhere does March teach or suggest that the feature of an access card having a write-once memory and paired with a destination device. Again, the "pairing" as described in the specification refers to the fact that the destination device has been configured to work only with the paired access card in decrypting content keys from a given source device. An access card that has been paired with a particular destination device cannot be used to load content to another destination device, that is, it cannot be re-used with another destination device (paragraph 0019). Nowhere does March teach or suggest this feature.

The portions of March cited by the Office Action fail to teach or suggest the above-mentioned features. Paragraph 0037 of March cited by the Office Action describes the disadvantage of a write-once memory that the memory cell cannot be erased once it is written into. Paragraph 0060 describes the use of temporal mapping, where the data in memory changes at times, but the location remains the same. Pointers are used to indicate the position of the data. Nowhere do the cited portions teach or suggest an access card having write-once memory that has been paired with a

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destination device. It is not surprising that March does not teach or suggest such a feature as March is directed to an entirely different problem than that addressed by the present invention.

In addition to the pairing feature, all of independent claims 1, 6, 8, 9, and 13 recite storage and use of **conditional access data** and/or **conditional access certificates**. For the reasons discussed previously, applicants respectfully submit that Freeman fails to disclose or suggest conditional access data and conditional access certificates. March also fails to cure the defect of Freeman in this regard.

In view of the above, applicants submit that nowhere do Freeman and March, either singly or in combination, disclose or suggest each and every limitation of pending claim 1, and the claims that depend therefrom. Remaining independent claims 6, 8 and 9 similarly recite the feature of an access card paired with a destination device, and are believed to be patentably distinguishable over the suggested combination for at least the same reason as those discussed with respect to claim 1.

Claims 2, 3, and 7 stand rejected as being unpatentable over Freeman and March in view of Roskind (US 2003/0046544).

Claims 2, 3, and 7 depend from claims 1 and 6 and include all of the elements of their parent claims. Even assuming arguendo that Roskind discloses the subject matter as alleged, applicants submit that Roskind fails to cure the defect of Freeman and March as applied to independent claims 1 and 6. Therefore, it is believe that claims 2, 3, and 7 are patentably distinguishable over the suggested combination for at least the same reasons as those discussed above with respect to claims 1 and 6.

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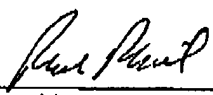Office Action Date: 1/6/2010

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    In view of the foregoing, Applicants respectfully request that the rejections set forth in the Office Action be withdrawn, and that the pending claims be allowed for at least the stated reasons.

    It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No. 07-0832.

                  Respectfully submitted,

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